REMARKS

Claims 1-24 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

A. The Examiner rejected Claims 1-5, 8-13, 16-21 and 24 under 35 U.S.C. § 103 as being unpatentable over Wu (U.S. Patent Number 5,774,551), hereinafter referred to as Wu. This rejection is respectfully traversed.

Applicants urge that the Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claim 1[1]. Accordingly, the burden has not shifted to rebut an obviousness assertion[2]. In addition, as a proper prima facie showing of obviousness has not been established, the rejection is improper[3]. The failure to properly establish a prima facie showing of obviousness will now be described in detail.

In rejecting Claim 1, the Examiner acknowledges that the single reference used in such rejection does not teach the claimed feature of *"wherein said second security context aggregates said first security context and a security context corresponding to an identity in said second user authentication"*. As can be seen, the second security context aggregates the first security context and a security context corresponding to an identity in the second user authentication. The Examiner states that this missing claimed feature would have been obvious because "both of login IDs are merely served as the unique identifiers". Applicants urge that such assertion does not establish a prima facie showing of obviousness. The fact that a prior art device could be modified so as to produce the

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[1] To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

[2] In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. Id.

[3] If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

claimed device is not a basis for an obviousness rejection *unless the prior art suggested the desirability of such a modification. In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (emphasis added by Applicants). Although a device may be capable of being modified to run the way [the patent applicant's] apparatus is claimed, *there must be a suggestion or motivation in the reference to do so. In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (emphasis added by Applicants). There is simply no suggestion or other desire/motivation to modify the teachings contained therein in accordance with the missing feature of Claim 1. Rather, the Examiner merely makes a subjective statement that in the opinion of the Examiner, the missing claimed feature would have been obvious. This subjective assertion does not meet the requirements of *In re Gordon, supra* and *In re Mills, supra*. The obviousness rejection is therefore shown to be in error. Further, as *all* claimed features are not taught or suggested by the single cited reference, a prima facie case of obviousness has not been properly established by the Examiner, and the obviousness rejection is therefore in error.

The claimed second security context - which is generated by aggregating (1) the first security context, and (2) a security context corresponding to an identity in said second user authentication - advantageously provides for finer granularity in access authorization structures without exacerbating the complications associated with multiple user logins. This is achievable as authenticated identities are aggregated. A security context is generated in response to a first user authentication. A second security context is generated based on an identity in a second user authentication, and this second security context is an aggregated security context generated as an aggregation of both the first security context and the security context corresponding to this second user authentication identity. The aggregation of security contexts advantageously provides the finer granularity in access authorization structures (Specification page 14).

Applicants traverse the rejection of Claims 2-5 and 8 for reasons given above with respect to Claim 1 (of which Claims 2-5 and 8 depend upon).

Applicants traverse the rejection of Claims 9-13 and 16 for similar reasons to those given above with respect to Claim 1.

Applicants traverse the rejection of Claims 17-21 and 24 for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-5, 8-13, 16-21 and 24 under 35 U.S.C. § 103 has been overcome.

B. The Examiner rejected Claims 6-7, 14-15, and 22-23 under 35 U.S.C. § 103 as being unpatentable over Wu (U.S. Patent Number 5,774,551), hereinafter referred to as Wu, in view of Savill (Where can I find a Unix su like utility?), hereinafter referred to as Savill. This rejection is respectfully traversed.

Applicants initially traverse the rejection of Claims 6-7, 14-15 and 22-23 for similar reasons to those given above with respect to Claim 1, and urge that the Examiner has failed to properly establish a prima facie showing of obviousness.

Further with respect to Claims 6 (and dependent Claim 7), 14 (and dependent Claim 15) and 22 (and dependent Claim 23), Applicants urge that none of the cited references teach or suggest the claimed feature of "reverting to said first security context in response to a user logoff". In rejecting Claim 6, the Examiner cites Savill as teaching "*to avoid closing all open applications and logoff, it is allowed to run in the security context of a different account*" (emphasis added by Applicants). Applicants urge that this passage expressly teaches away from the claimed invention, in that this reference teaches a special command that can be issued (SU.EXE) in order to *avoid logging off*. Claim 6 expressly recites an action (reverting to a first security context) which is in response to a user logoff. Savill teaches *avoidance of a user logoff*, and thus does not teach any type of action being responsive to a user logoff, and thus does not teach or otherwise suggest the specific step of reverting to said first security context *in response to a user logoff*. Instead, the cited reference teaches use of a specific command (SU.EXE) that can be used in order to *avoid logging off*. Thus, it is further shown that a prima facie case of obviousness has not been established with respect to Claim 6. Accordingly, the burden has not shifted to Applicants to rebut the obviousness assertion, and Claims 6, 7, 14, 15, 22 and 23 have been improperly rejected.

Still further with respect to Claims 6 (and dependent Claim 7), 14 (and dependent Claim 15) and 22 (and dependent Claim 23), Applicants urge that the references have been improperly combined using hindsight analysis. It is error to reconstruct the patentee's claimed invention from the prior art by using the patentee's claims as a

"blueprint". When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight obtained from the invention itself. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 USPQ 543 (Fed. Cir. 1985). The cited Wu reference is keen on providing a single user login, such that a user need only remember or provide a single authentication token even though multiple authentication services are supported (col. 3, line 66 – col. 4, line 2). Saville teaches a totally different approach to Wu, where a user can enter a special command (SU.EXE) to temporarily start applications running in a security context of a different account, to thus avoid closing all open applications and logging off by the user (lines 1-5). Because Wu teaches a single user login with transparent access to a plurality of authentication services, there would have been no need to implement a special command such as Saville's SU.EXE to start an application running in a security context of a different account, as Wu expressly teaches that the user is insulated from the intricacies of different underlying authentications. Thus, there would have been no motivation to modify the teachings of Wu in accordance with the teachings of Saville. The only motivation for such combination must therefore by coming from Applicants' own patent specification, which is improper hindsight analysis. Thus, Claims 6 (and dependent Claim 7), 14 (and dependent Claim 15) and 22 (and dependent Claim 23) are further shown to have been erroneously rejected under 35 USC 103.

Still further with respect to Claim 7 (and similarly for Claims 15 and 23), Applicants urge that none of the cited references teach or suggest the claimed feature of "wherein said step of reverting to said first security context comprises the step of popping said first security context off of a stack". In rejecting Claim 7, the Examiner asserts that Laville teaches this feature at lines 1-5. Applicants have reviewed this passage extensively, and there is no mention of any type of stack, no mention of any operational step associated with a stack, and no mention of the specific claimed step of popping a first security context off of a stack as a part of reverting to a security context. Thus, it is further urged that a prima facie case of obviousness has not been established with respect to Claims 7, 15 and 23. Accordingly, the burden has not shifted to Applicants to rebut the obviousness assertion, and Claims 7, 15 and 23 have been improperly rejected.
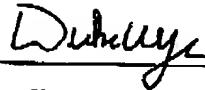
Therefore, the rejection of Claims 6-7, 14-15, and 22-23 under 35 U.S.C. § 103 has been overcome.

II.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: _6/28/05_

Respectfully submitted,

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